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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rodriguez et al.

Serial No.: 09/924,222

Group Art Unit: 1615

Filed: August 7, 2001

Examiner: To be assigned

For: LIPOSOMAL COMPOSITIONS AND
METHODS OF USING LIPOSOMAL
COMPOSITIONS TO TREAT
DISLIPIDEMIAS

Attorney Docket No.: 10173-073-999

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56 AND § 1.97**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Applicants hereby direct the Examiner's attention to the references listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant."

Identification of the listed references is not to be construed an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith several pages of a "revised form PTO 1449" entitled



"List of References Cited by Applicant" instead of "List of Prior Art Cited." Copies of References HJ-HN are being submitted herewith.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the first office action of the subject application, it is believed that no fee is due in connection herewith. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

Anthony M. Insogna (Reg. No. 35,203)
By Brian C. Remy (Reg. No. 48,176)

Anthony M. Insogna (Reg. No.)

Date: September 20, 2002

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure